

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CASE NO. 3:98CR 253-01 (SEC)

JACQUELINE DIAZ

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS
AND TO SUPPLEMENT MOTION FILED ON SEPTEMBER 19, 2006**

**TO THE HONORABLE SALVADOR E. CASELLAS
SENIOR UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, JOSE A. FIGUEROA, UNITED STATES PROBATION OFFICER

of this Honorable Court, presenting an official report upon the conduct and attitude of releasee, Jacqueline Díaz, who on November 5, 1999, was sentenced to serve a fifty-seven (57) month imprisonment term to be followed by a five (5) year supervised release term after pleading guilty to violating Title 18, United States Code, Sections 2 and Title 21, United States Code, Section 841A. She was also ordered to submit to urinalyses and participate in drug treatment if tested positive to illegal substances. On July 29, 2002, the offender's supervised release term imposed commenced.

On May 12, 2005, a revocation hearing was held before Your Honor. After hearing both parties, the Court sentenced the offender to three (3) months of imprisonment which concluded on May 22, 2006, and a supervised release term of six (6) months. The offender was also ordered to participate in an out-patient drug treatment program coordinated with her work schedule.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:

(1) STANDARD SUPERVISION CONDITION: "The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court."

(2) STANDARD SUPERVISION CONDITION: "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician".

A report has been received from the out-patient drug treatment center reflecting that the offender tested positive to cocaine at the center on August 10, 2006.

(3) STANDARD SUPERVISION CONDITION NO. 2: "The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month".

The offender has not reported to the office since October 6, 2006. She was instructed to report to the office on October 10, 2006. However, she failed to report. On December 7, 2006, the undersigned officer asked the offender's employer to instruct the offender to remain at home for a possible home contact and urine collection by a fellow-female officer. However, two attempts were made in the morning and afternoon to locate the offender to no avail.

(4) STANDARD SUPERVISION CONDITION NO. 4: "The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer."

On October 6, 2006 after the Show Cause Hearing before Magistrate Judge Arenas, the offender was instructed to complete the admission process at an in-patient treatment program. Arrangements were made for the offender to be received at the program. However, the offender did not show-up at the program, thus not following instructions as given.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct. Unless the Court rules otherwise, this motion is respectfully submitted to supplement the motion filed on September 19, 2006 and to notify new violations to the supervised release conditions. Thereupon, that she to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 18th day of December 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
UNITED STATES PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 18, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Rosa Emilia Rodríguez-Vélez, U.S. Attorney, and Joseph C. Laws, Jr. Federal Public Defender .

At San Juan, Puerto Rico, December 18, 2006.

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